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World Report 2022 - Myanmar

The military coup on February 1, 2021, effectively ended the democratic transition under Aung San Suu Kyi’s National League for Democracy (NLD). The NLD was poised to return to power for another five years after winning landslide general elections in November 2020. Instead, under the military State Administration Council (SAC) junta led by Senior Gen. Min Aung Hlaing, soldiers and police rounded up hundreds of members of parliament, including Aung San Suu Kyi and senior NLD party members, and held them in arbitrary detention for months, many of them in undisclosed locations.

The military seized power making unfounded claims of widespread and systematic election and voter irregularities, although international and domestic [election observers](#) found that the election was “credible and reflected the will of the majority of the voters.”

The junta brought [multiple charges](#) against Aung San Suu Kyi, including for corruption, incitement, and breaching the Official Secrets Act. Three of her deposed cabinet ministers and an Australian economic adviser also faced charges under the Official Secrets Act.

Millions took to the streets across the country in largely peaceful protests to call for the military to relinquish power, while members of parliament, ethnic minority representatives, and civil society activists formed the opposition National Unity Government (NUG). The security forces responded by committing offenses amounting to [crimes against humanity](#) against the civilian population, including torture, severe deprivation of liberty, enforced disappearances, rape and other sexual abuse, and inhumane treatment. Journalists, lawyers, medical personnel, anti-junta protesters, civil society activists, women, and many others continue to be at high risk of arbitrary arrest.

Between February 1 and November 1, the police and military killed at least [1,200 protesters](#) and bystanders, including approximately 75 children, and have detained over [8700](#) government officials, activists, journalists, and civil servants.

On March 14, the junta [imposed martial law](#) in several townships across Yangon and began to enforce additional restrictions in other parts of the country. On May 13, the junta also imposed [martial law](#) in Chin State’s [Mindat](#) township after clashes between security forces and lightly armed opposition militias. Under martial law orders, direct authority over the townships was transferred to the respective regional military commanders.

Since the coup, the military has intensified military operations against ethnic armed groups in some areas, such as Chin State. The military’s indiscriminate use of artillery and airstrikes has [reportedly](#) injured and killed civilians, damaged villages, including schools, and forced thousands to flee.

[IMG | SOURCE:
https://www.hrw.org/sites/default/files/styles/16x9_medium/public/media_2021/12/202112asia_myanmar_hlaingtharyar_t
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Post-Coup Crimes against Humanity

The security forces have engaged in [widespread and systematic attacks](#) on civilians throughout Myanmar, including killing protesters, enforced disappearance of opposition supporters, torture, sexual abuse, rape of some detainees, and mass political detentions. On February 21, 2021, the junta [stated](#) in the state’s *Global New Light of Myanmar*: “Protesters are now inciting the people, especially emotional teenagers and youth, to a confrontation path where they will suffer the loss of life.”

Many of the 1,200 people killed by police and military since the coup were protesters and bystanders in cities and towns across Myanmar, including Yangon, Mandalay, Bago, Monywa, and other townships in Sagaing Region, Mindat township in Chin State, and many other locations. International human rights [standards](#) permit law enforcement officials to use lethal force only as a last resort when there is an imminent threat to life. But in numerous cases in 2021 reported by the United Nations, Human Rights Watch, other human rights organizations, and [media](#), security forces fired on demonstrators who were unarmed and posed no apparent threat.

The UN reported that on March 3, security forces across the country fired live rounds at protesters, [killing at least 38](#) and wounding more than 100. Killings were also reported in one day in Monywa, Sagaing Region; Myingyan and Mandalay, Mandalay Region; Salin, Magway Region; and Mawlamyine, Mon State, according to [media reports](#). On March 13, authorities killed at least nine protesters, including five in the Sein Pan area of Mandalay, when security forces [shot into a crowd](#). On March 14 in Hlaing Tharyar township, Yangon, security forces killed an estimated 66 people, according to the Assistance Association for Political Prisoners.

[The MRTV news channel announced](#) the day before Armed Forces Day, on March 27, that demonstrators “should learn from the tragedy of earlier ugly deaths that you can be in danger of getting shot to the head and back.” On March 27, security forces followed through on that threat by carrying out violent crackdowns on protesters in at least 40 towns and cities, killing dozens.

On April 9, military personnel killed an estimated [82 people in Bago](#) in a dawn assault on protesters’ barricades and encampments; exact figures have been difficult to determine due to a strong security presence and lack of access to the area by reporters or independent investigators.

Many persons detained for taking part in pro-democracy demonstrations said after their release that security personnel [tortured and otherwise ill-treated](#) them and others in custody. Methods of torture included beatings, mock executions with guns, burning with cigarettes, and rape and threatened rape.

The junta has taken into custody more than 100 politicians, election officials, journalists, activists, and protesters, and refused to confirm their whereabouts or conditions of detention in violation of international law. Security forces frequently [detained family members](#), including children and [older people](#), when they were unable to find the individual they sought to arrest.

Threats to Rohingya

Authorities have been committing the crimes against humanity of [apartheid](#), persecution, and severe deprivation of liberty against 600,000 Rohingya remaining in Rakhine State. Most Rohingya had fled the country following the military’s campaign of killings, rape, and arson that resulted in crimes against humanity and genocidal acts in 2017.

Approximately 130,000 Rohingya have been confined to open-air detention camps in central Rakhine State since being displaced by ethnic cleansing in 2012, in violation of their fundamental right to return home. They are denied freedom of movement in what amounts to arbitrary and discriminatory deprivation of liberty.

Following the coup, restrictions on humanitarian access [increased](#), leading to [preventable](#) deaths and illnesses in Rohingya camps and villages. In late May, nine children reportedly [died](#) Rakhine State following an outbreak of [acute watery diarrhea](#).

Threats to Women’s and Girls’ Rights

Women have led and taken part in mass protests as part of the Civil Disobedience Movement (CDM) against the junta. Female protesters were some of the [first killed](#) by security forces and arbitrarily detained. Many women reported being beaten by security forces during their arrests, and some reported credible allegations of sexual violence and [humiliating treatment](#) by security forces during their detention.

Trafficking of women and girls remains a serious problem in Shan and Kachin States, where conflict and economic desperation has made them vulnerable to being lured to China under false promises and sold into sexual slavery and forced reproduction as “brides.”

The NLD government, prior to the coup, was unable to pass the Prevention of Violence Against Woman Law. While the law had been criticized for falling well short of international standards, the absence of targeted legislation has stalled efforts to prevent gender-based violence, assist survivors, and bring perpetrators to justice.

Freedom of Expression and Media

As of October 25, Myanmar’s junta had arrested 98 journalists, 46 of whom remained in detention, according to the Assistance Association for Political Prisoners. Six journalists had been convicted, including five for violating [section 505A of the penal code](#), a new provision that makes it a crime to publish or circulate comments that “cause fear” or spread “false news.” In such prosecutions, “false news” appears to be any news that the authorities do not want to reach the public.

On March 8, the junta [stripped media licenses](#) from five local outlets: Democratic Voice of Burma (DVB), Khit Thit Media, Mizzima, Myanmar Now, and 7Day. On May 4, authorities banned two other outlets, the Kachin-based 74 Media and the Shan-based Tachileik News Agency, and also banned satellite television.

Also, on May 4, authorities arrested US journalist Danny Fenster, the managing editor of *Frontier Myanmar*, and detained him on politically motivated charges. On November 12, a court sentenced him to 11 years’ hard labor, but he was permitted to leave the country on November 15.

On June 30, the Ministry of Information [issued a warning](#) to journalists to stop describing the SAC as a “junta” or

face prosecution.

Internet Shutdowns

In the weeks following the coup, the junta imposed nationwide internet shutdowns from 1 a.m. to 9 a.m., which were later lifted, but authorities [continued](#) to block many websites and throttled internet speeds throughout the year. Blocks to mobile data and networks also continued across [22 townships](#) where anti-junta opposition resulted in heavy clashes between the Myanmar military and pro-democracy militia groups.

Threats to Humanitarian Aid

Increased fighting between the Myanmar military and ethnic armed groups in the border areas in Chin, Kachin, Karen, Kayah, and Shan States has increased strain on access and limited humanitarian aid to those areas. The UN said, in July, at least 3 million people needed humanitarian aid—an increase of 2 million since February 1—and food shortages were reported in parts of Chin and Rakhine States.

Anti-Junta Militias

Militias have formed around the country since the coup to oppose the junta and target security forces. Many of the militias have adopted the title of People’s Defense Forces, the same name the NUG adopted for the nationwide force it created. However, not all the recently formed People’s Defense Forces are linked to the NUG or take orders from its command structure.

These militias began conducting small-scale attacks against the military in July. In Sagaing and [Magway](#) Regions and [Chin](#) State, intense fighting between the militias and the military reportedly killed hundreds of troops. The military responded with increased raids and by burning villages. Some militias have carried out unlawful bombings of buildings and [targeted killings](#) of civilian supporters of the military.

On September 7, acting NUG President Duwa Lashi La declared a “defensive war” against the military junta.

Sexual Orientation and Gender Identity

Myanmar’s penal code punishes “carnal intercourse against the order of nature” with up to 10 years in prison and a fine.

The opposition NUG reported that lesbian, gay, bisexual, and transgender (LGBT) people have been particularly vulnerable to sexual violence in custody. One transgender woman recounted after her release that she was [raped in custody](#) with an object, tortured, and severely beaten.

Covid-19 and Attacks on Healthcare Workers

By November 2021, just [13 percent](#) of Myanmar’s 54 million population was fully vaccinated. A total [17,998 deaths](#) were recorded by the Ministry of Health between March 2020 and October 2021, although the actual numbers are likely much higher.

The junta has harassed, [arbitrarily arrested](#), and attacked [medical](#) professionals, sometimes as they [treated injured protesters](#). Healthcare workers were early leaders of the opposition Civil Disobedience Movement and refused to work in government hospitals as a form of protest. In the nine months following the coup, at least [260 healthcare workers](#) were attacked while trying to administer medical aid, and [20 killed](#). The AAPP said [76 remained in detention](#) in September, and as many as 600 healthcare workers had outstanding arrest warrants against them. Many have been forced to work underground in makeshift mobile clinics to treat Covid-19 patients or have gone into hiding to evade arrest. The UN Country Team in Myanmar has said that [attacks on](#) healthcare workers have jeopardized the Covid-19 response and prevented patients from receiving health care.

Key International Actors

In February, the UN Human Rights Council held a special session and adopted by consensus a resolution deploring the removal of the elected government and calling for the unconditional release of all those arbitrarily detained. A further resolution was adopted at the council’s March session “condemning in the strongest terms” the military deposition of the civilian government, and highlighting the need for accountability.

In June, the United Nations General Assembly passed a resolution strongly condemning the February 1 coup. The General Assembly also made several important recommendations, including calling for all members states to prevent the flow of arms into Myanmar. The UN Security Council did not follow up and pass a legally binding resolution of its own that would impose a global ban on the transfer of weapons and dual-use technologies to Myanmar.

Canada, the European Union, the United Kingdom, and the United States have imposed targeted sanctions against Myanmar’s top military officials and members of the junta, conglomerates, and companies owned or controlled by the military. However, foreign governments did not impose sanctions on oil and gas revenues, the junta’s main source of revenues.

Project summary: US Congress introduced the [BURMA Act 2021](#), supporting authorization of further targeted sanctions and recommended the US government make a Rohingya genocide determination. The European Parliament also [supported](#) recognizing the NUG as the legitimate government of Myanmar and urged further EU sanctions against military-owned businesses. While the EU [expressed support](#) for the Association of Southeast Asian Nations (ASEAN) as a mediator with the Myanmar military, it also condemned the coup in “[the strongest terms](#).”

Myanmar

The UN-backed Independent Investigative Mechanism for Myanmar (IIMM) is mandated to build case files to **Support** efforts to hold individuals legally accountable for serious international crimes. The IIMM is “closely [working with Human Rights Watch](#) collecting evidence of [such crimes](#) committed following the coup, and said if substantiated, the alleged violations could amount to crimes against humanity.

Original link:

<https://www.hrw.org/world-report-2022/country-chapters/myanmar-burma>
On April 24, ASEAN negotiated a [five-point consensus plan](#) with the military, and appointed Brunei diplomat Erywan Yusof as special envoy. The military’s failure to implement the five-point plan led ASEAN to [exclude](#) junta leader Senior Gen. Min Aung Hlaing from its October summit.

At the International Criminal Court, the prosecutor is investigating Myanmar for the crimes against humanity of [deportation and persecution](#), based on the completion of these crimes in Bangladesh, an ICC member, following the 2017 ethnic cleansing campaign against the Rohingya. In July, citing Article 12(3) of the ICC Statute, the NUG

lodged a declaration with the ICC accepting the court’s jurisdiction over crimes committed in Myanmar since July 1, 2007.
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Gambia’s case alleging Myanmar’s violation of the Genocide Convention continued before the International Court of Justice, with [Myanmar raising preliminary objections](#) to the court’s jurisdiction and the admissibility of Gambia’s application.

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